



PUBLIC NOTICE

Federal Communications Commission
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DA 02-1920
August 05, 2002

COMMENTS INVITED ON SPHERA OPTICAL NETWORKS N.A., INC.
APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS
SERVICES

Comp. Pol. File No. 595
Comments Due: August 19, 2002

Section 214 Application

Applicant: Sphera Optical Networks N.A., Inc.

On **June 13, 2002**, **Sphera Optical Networks N.A., Inc.** (Sphera or Applicant) located at **245 Park Avenue, 24th Floor, New York, New York 10167** filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, as amended,¹ to discontinue certain of its domestic telecommunications services.

The application indicates that Sphera Optical Networks N.A., Inc. seeks authority to discontinue providing broadband connectivity services primarily to other carriers and Internet Service Providers over fiber optic networks in major metropolitan areas. Applicant states that on February 11, 2002, the Applicant filed for protection under Chapter 11 of the US Bankruptcy Code. On May 2, 2002, the US District Court for the District of New Jersey approved the immediate transfer of the majority of Sphera's assets and all customer contracts to OnFiber Carrier Services, Inc. Sphera has no customers at this time and its discontinuance of service will not be unduly disruptive to the present or future public convenience and necessity. The application indicates the areas affected are all locations previously served by Sphera in the states of California, District of Columbia, Florida, Illinois, Massachusetts, New Jersey, New York, Texas, Virginia, and Washington.

In accordance with section 63.71(c), the application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this notice, unless the Commission

¹ 47 U.S.C. § 214(a), *see also* 47 C.F.R. § 63.71.

has notified Applicant that the grant will not be automatically effective.² The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a “permit but disclose” proceeding for purposes of the Commission's *ex parte* rules.³ Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before **August 19, 2002**.⁴ Such comments should refer to **Comp. Pol. File No. 595**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. The original and four (4) copies of the comments should be sent to the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW, Room 6-A207, Washington, DC 20554, Attention: Carmell Weathers. In addition, Comments should be served upon Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at qualexint@aol.com.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), cweather@fcc.gov, or John Adams (202) 418-0394 (voice), jkadams@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud

² 47 C.F.R. § 63.71(c)

³ See generally 47 C.F.R. §§ 1.1200 - 1.1216.

⁴ 47 C.F.R. §§ 1.415, 1.419.

-FEDERAL COMMUNICATIONS COMMISSION-